

# EXHIBIT 8

Case:17-03283-LTS Doc#:18197 Filed:09/21/21 Entered:09/22/21 10:21:54 Desc: Main  
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Hearing Date: October 6, 2021, at 9:30 AM (Atlantic Standard Time)

Response Deadline: September 20, 2021, at 4:00 PM (Atlantic Standard Time)

PLEASE CAREFULLY REVIEW THIS OBJECTION AND THE ATTACHMENTS HERETO  
TO DETERMINE WHETHER THE OBJECTION AFFECTS YOUR CLAIM(S).

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et*  
*al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

This filing relates to the  
Commonwealth, COFINA,  
HTA, ERS, and PBA.

THREE HUNDRED SEVENTY-FOURTH OMNIBUS OBJECTION  
(SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO, PUERTO RICO  
SALES TAX FINANCING AUTHORITY, PUERTO RICO HIGHWAYS AND  
TRANSPORTATION AUTHORITY, EMPLOYEES RETIREMENT SYSTEM OF THE  
GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO, AND PUERTO  
RICO PUBLIC BUILDINGS AUTHORITY TO LATE-FILED CLAIMS

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA", and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the "Debtors") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Sales Tax Financing Authority (“COFINA”), the Puerto Rico Highways and Transportation Authority (“HTA”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA,” and together with the Commonwealth, COFINA, HTA, ERS, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole Title III representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> file this three hundred seventy-fourth omnibus objection (the “Three Hundred Seventy-Fourth Omnibus Objection”) to the proofs of claim listed on Exhibit A hereto, for failure to comply with the terms of the Bar Orders, as defined below, and in support of the Three Hundred Seventy-Fourth Omnibus Objection, respectfully represent as follows:

#### JURISDICTION

1. The United States District Court for the District of Puerto Rico has subject matter jurisdiction to consider this matter and the relief requested herein pursuant to PROMESA section 306(a).
2. Venue is proper in this district pursuant to PROMESA section 307(a).

#### BACKGROUND

##### **A. The Bar Date Orders**

3. On May 3, 2017, the Oversight Board issued a restructuring certification pursuant to PROMESA sections 104(j) and 206 and filed a voluntary petition for relief for the Commonwealth of Puerto Rico (the “Commonwealth”) pursuant to PROMESA section 304(a).

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<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101-2241.



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ROOM 150 FEDERAL BLDG  
SAN JUAN PR 00918-1767

①

SEPTEMBER 7, 2021

In

THE FINANCIAL OVERSIGHT AND PROMESA  
MANAGEMENT BOARD FOR PUERTO RICO  
RICO

AS REPRESENTATIVE OF

NO. 17 BK 3283-LTS

THE COMMONWEALTH OF  
PUERTO RICO, ET AL  
DEBTORS

Jointly Administered

OSE E JOHNSON

Plaintiff - Creditor

This Filing relates to  
the Commonwealth,  
COFINA,  
HTA, ERS, and PBA.

TITLE OR QUALIFICATION This Filing relates or refers to  
THE COMMONWEALTH COFINA HTA, ERS, and PBA,  
AS THEY CLAIM TO A LATE-FILED CLAIM OF THE  
OMNIBUS OBJECTION my name wrongfully appear and  
listed on exhibit A number 370, 371 and 372, they got  
it wrong. I reply or file a response to the omnibus  
objection I should not be referred to the Puerto  
Rico promesa title III automatic stay section  
362 of the bankruptcy code, or bankruptcy 3027d(4).  
Omnibus Objection.

TO THE HONORABLE COURT OR THE HONORABLE COMMONWEALTH  
OF HTA, ERS, ERS, and PBA,

COMES NOW plaintiff - creditors OSE E JOHNSON  
and before this Honorable Court or the Honorable Commonwealth, COFINA, HTA, ERS, and PBA, to the BAR  
DATE of omnibus Objection.

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2)

REASON (2) FOR OPPOSING THE DIVERSUS OBJECTION  
BELOW:

THE COMMONWEALTH OF PUERTO RICO (OFING HTA  
ERS, and PBA BAL) DATE ON THE FETTER THREE  
Hundred SEVENTY-FOURTH DIVERSUS OBJECTION  
TO include my name in EXHIBIT A TO disallow  
my claim, and wrongly concluded that my claim  
has been filed after JUNE 29-2018.  
THE incidence OCCURRED of my wrongfully or illegally  
incarceration began on FEBRUARY 18 of 2005  
(12 year) TWELVE years after, PROMESA LAW began,  
on MAY 3, 2012 the COMMONWEALTH OF PUERTO RICO  
FILED A petition FOR RELIEF under TITLE 11 OF  
PROMESA 48 U.S.C. 2116 ET SEQ within the District  
COURT of PUERTO RICO,

Explanation that I am EXEMPT or EXCLUDED FROM  
LAW PROMESA see DOCKET ENTRY NO. 12772 in CASE  
NO. 17-3283 that motion, previously FILED, I REPEAT  
and ATTACHMENT.

I WAS illegally ADMITTED into the PUERTO RICO  
CORRECTION PRISON on FEBRUARY 19-2005, my illegally  
incarceration began BEFORE the PUERTO RICO OVERSIGHT  
MANAGEMENT AND ECONOMIC STABILITY ACT (PROMESA)  
LAW WAS ENACTED, the AUTOMATIC stay now in EFFECT  
PURSUANT to PROMESA SHOULD NOT apply to this  
SITUATION, SEEKING COMPENSATION FROM the COMMONW-  
EALTH OF PUERTO RICO, for the TIME I HAS SPEND illegally  
INCARCERATED, and for the LOSS of my COMPANY,

see DOCKET ENTRY NO. 12772 in CASE NO. 17-3283

on SEPTEMBER 24 2021, this ARGUMENT WAS to BE  
EXEMPT- EXCLUDED FROM PROMESA LAW,



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③

I am already EXEMPT-EXCLUDED FROM THE PROMESA LAW, and my name appears on the Omnibus Objection Exhibit A to the three hundred seventy-fourth that my claim to be DISALLOWED, it is the same or similar ARGUMENT REPEATEDLY.

the COMMONWEALTH of Puerto Rico, COFINA HTA, ERS, and PBA, I am EXEMPT-EXCLUDED FROM the Bankruptcy Stay provision of 11 U.S.C. 362 and 922 are incorporated into PROMESA TO include my name at the Omnibus Objection Exhibit A TO DISALLOWED my claim.

#### Background

I do submit documentation that I am EXCLUDED OR EXEMPT FROM PROMESA LAW, these documents ALSO TO PROOF that the incidence OCCURRED BEFORE PROMESA LAW came into exist

Documentation listed below

- ① On February 19, 2005, I was illegally or wrongfully admitted into the Puerto Rico Correction Prison (document number one)
- ② On September 15, 2005, I was illegally or wrongfully sentenced by the Commonwealth trial court of San Juan, Puerto Rico (document number two)
- ③ PROVE that on November 3, 2004 I opened my own CARPET Cleaning Company in Philadelphia because of MISREPRESENTATION from their attorney, TUBIANA Acazon PARRATA-ORRUA which CAUSED me to LOSE my company, BUSINESS LICENSE (number three 3)

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including document of the same or similar arguments that takes place within the United States Court of Appeals for the First Circuit, U.S. Bankruptcy Court of the District of Puerto Rico, including the Commonwealth of Puerto Rico, document (number four)

document of the Department of Justice of the Commonwealth of Puerto Rico Office of their investigation and processing criminal, the date and time they falsified accused me and wrongly & illegally admitted into the Puerto Rico Correction Prison

I am exempt-excluded from promesa law to include my name in exhibit A number 370, 371 and 372 to the three hundred seventy-fourth omnibus objection, that my claim to be disallowed this falsified incidence occurred before promesa law came into exist in Puerto Rico,

Further my claim do not fall under any of the exceptions to the bankruptcy stay set forth in section 362(b), to refer me to the promesa section 307(4) the three hundred-fourth omnibus objection

This is the second time this bankruptcy court hearing this same or similar matter on time-limitation,

Argument similar to section 405 promesa section 362 of the United States bankruptcy code provides that court may grant relief from the automatic stay to a party in interest for cause 11 U.S.C. 362(d)(1) as it like promesa however section 362 does not provide concrete guidance on how that ought to be



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5  
construed and applied in practice

WHEREFORE DE FINALLY I REQUEST this Honorable  
Bankruptcy Court DE THE COMMONWEALTH OF PUERTO  
RICO (DTINQ, HTA, ERS, and PBA, according to  
the time I WAS illegally admitted into the  
PUERTO RICO CORRECTION PRISON on FEBRUARY  
19, 2005, and at the same time LOSE my companion  
pursuant to PROMESA SECTION 307(A) of the  
three hundred SEVENTY-FORTH Omnibus  
OBJECTION IS NOT REFERRED TO ME,

Dated September 7-2021

Respectfully Submitted

Address Doe E. Joh. Jr.

Guayama Correctional

Complex

AB-D33

P.O. Box 1000-5

Guayama, PR 00785

Signature Doe E. Joh. Jr.



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No. 20-1698

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UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

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OBE E. JOHNSON,

Plaintiff - Appellant,

v.

LCDA. FABIOLA ACARON PORRATA-DORIA; ESTADO LIBRE  
ASOCIADO DE PUERTO RICO; ADMINISTRACION DE CORRECCION  
DE PUERTO RICO,

Defendants - Appellees.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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MOTION IN COMPLIANCE WITH ORDER AND TO DISMISS APPEAL

COME NOW, Defendants-Appellees the Commonwealth of Puerto Rico,  
and the Puerto Rico Department of Corrections and Rehabilitation, through the  
undersigned attorney and respectfully state and pray as follows:

1. On September 24, 2020, this Honorable Court ordered the parties to  
show cause as to whether the automatic stay provided for in Title III of PROMESA  
stays this appeal. In its order, this Honorable Court noted that the notice of appeal  
appeared to have been filed late. For the reasons that follow, appearing Defendants

assert that (1) this Honorable Court lacks jurisdiction to resolve this appeal because it was filed late; and (2), in the alternative, the Title III stay applies to this appeal.

2. This appeal originates in consolidated cases No. 14-1481 (JAG) and No. 15-1571 (JAG), filed before the United States District court for the District of Puerto Rico. Plaintiff brought these cases against the Commonwealth of Puerto Rico, the Puerto Rico Department of Corrections and Rehabilitation<sup>1</sup>, and his former attorney, Fabiola Acarón Porrata-Doria. He alleged that he was wrongly convicted of various felonies before the Puerto Rico courts, which caused him to lose his carpet cleaning company. He sued the Commonwealth defendants under 42 U.S.C. §1983, requesting an award of \$25 million in damages. In these cases, the district court entered a Memorandum and Order and a Judgment dismissing the complaints with prejudice on October 23, 2015 (Dkt. ## 28 and 29). On January 11, 2016, the district court entered an Order (Dkt. # 32), in which it denied a motion requesting order filed by Plaintiff (Dkt # 30). On June 29, 2020, Plaintiff filed a Notice of Appeal before this court, which referred it to the district court.

3. From the above, Plaintiff's Notice of Appeal is clearly untimely. Fed. R. App. 4(a) requires that a notice of appeal be filed within thirty (30) days after the district court has entered the judgment appealed from. The district court entered its

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<sup>1</sup> The Department of Corrections and Rehabilitation is a department of the Commonwealth of Puerto Rico and may not be sued separately from the Commonwealth. The undersigned attorney does not represent *Mrs. Acarón*.



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judgment on October 23, 2015. On January 11, 2016, the district court denied a motion requesting order filed by Plaintiff. Even assuming that this motion served to toll Plaintiff's time to appeal, it would have ended on February 10, 2016. Since Plaintiff filed his Notice of Appeal from this judgment on June 29, 2020, it is more than four years late.

4. Because Plaintiff's Notice of Appeal is untimely, this Honorable Court has no jurisdiction to hear it. Vaquería Tres Monjitas, Inc. v. Comas-Pagán, 772 F. 3d 956, 960 (1<sup>st</sup> Cir. 2014). Compliance with Fed. R. App. 4(a) is "mandatory and jurisdictional". García-Velázquez v. Frito Lay Snacks Caribbean, 358 F. 3d 6, 8 (1<sup>st</sup> Cir. 2004), quoting Browder v. Illinois Dept. of Corrections, 434 U.S. 257, 264 (1978). Therefore, this Honorable Court should dismiss this appeal without entering on any other questions.

5. In the alternative, this appeal would be stayed by the Commonwealth of Puerto Rico's filing of a petition for reorganization of its debts under title III of PROMESA, because it is a pre-petition claim for money damages against the Commonwealth.

6. On May 3, 2017, the Financial Oversight and Management Board for Puerto Rico ("FOMB"), on behalf of the Commonwealth of Puerto Rico ("the Commonwealth"), filed a petition for relief under Title III of PROMESA, 48 U.S.C. § 2161, *et seq.*, in the United States District Court for the District of Puerto Rico.

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7. Pursuant to sections 362(a) and 922(a) of the Bankruptcy Code, as incorporated by reference under section 301(a) of PROMESA, the commencement or continuation “of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement” of the petition under Title III, or “any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under” a Title III proceeding is automatically stayed without further action. 11 U.S.C. §§ 362(a), 922(a); 48 U.S.C. § 2161(a) (emphasis provided). The Commonwealth of Puerto Rico is the debtor in the Petition pursuant to 48 U.S.C. § 2161(c)(2).

8. The section 362(a) stay applies to all actions brought directly against the debtor, including requests for injunctive relief. Municipality of San Juan v. Commonwealth of Puerto Rico, 919 F. 3d 565, 576-577 (1<sup>st</sup> Cir. 2020), citing 3 Collier on Bankruptcy par. 362.03 (15th ed. 2018)); Newberry v. City of San Bernardino (In re City of San Bernardino), 558 B.R. 321, 329 (C.D. Cal. 2016). “The automatic stay is ‘extremely broad in scope’ and, ‘applies to almost any type of formal or informal action taken against the debtor or the property of the estate.’” Assured Guaranty Corp. v. The Financial Oversight and Management Board for Puerto Rico (In re Financial Management Board of Puerto Rico), 919 F. 3d 121, 129 (1<sup>st</sup> Cir. 2019), quoting In re Slabicki, 466 B.R. 572, 580 (1<sup>st</sup> Cir. B.A.P. 2012) (quoting Patton v Bearden, 8 F. 3d 393, 399 (6th Cir. 1993)); Montalvo v. Autoridad



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de Acueductos y Alcantarillados (In re Montalvo), 537 B.R. 128, 140 (Bankr. D.P.R. 2015).

9. The automatic stay is among the most basic of debtor protections under bankruptcy law and is intended to give the debtor breathing room by stopping all collection efforts against the debtor. In re Soares, 107 F. 3d 939, 975 (1st Cir. 1997). The stay springs into being immediately upon the filing of a bankruptcy petition, operates without the need for judicial intervention, and remains in force until the bankruptcy court either disposes of the case or lifts the stay. Id. This respite enables debtors to resolve their debts in a more orderly fashion, and also safeguards their creditors by preventing "different creditors from bringing different proceedings in different courts, thereby setting in motion a free-for-all in which opposing interests maneuver to capture the lion's share of the debtor's assets." Id., citing Sunshine Dev., Inc. v. FDIC, 33 F.3d 106, 114 (1st Cir.1994).

10. Plaintiff's cause of action against the Commonwealth clearly seeks to collect damages from the Commonwealth's resources, and litigation of this appeal has forced the Commonwealth to spend funds. Further, his claims do not fall under any of the exceptions to the bankruptcy stay set forth in Section 362 (b). Accordingly, this appeal is stayed by Section 362 of the Bankruptcy code, as incorporated by reference under Section 301(a) of PROMESA. Municipality of San Juan, supra; Assured Guaranty Corp., supra.

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11. In light of the above, the Commonwealth asserts, in the alternative that this appeal is not dismissed for being untimely, that it is stayed pursuant to Title III of PROMESA. In such a case, Plaintiff would have the alternative to seek from the Title III court a lift of the stay, pursuant to the Eleventh Amended Case Management Procedures established for such purpose in the Title III proceedings. Bkr. No. 17-03283 (LTS), Docket No. 11855.

13. The Commonwealth does not waive any right or defense arising from Title III of PROMESA and the Commonwealth's Petition under Title III, or from the filing of that notice. The Commonwealth reserves its right to plead or address any pending matter or claim in this case.

WHEREFORE, appearing Defendants respectfully request that this Honorable Court take notice of the above and dismiss the present appeal for being untimely, or, in the alternative, stay all proceedings in this appeal.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 8th day of October, 2021.

ISAÍAS SÁNCHEZ-BÁEZ  
Solicitor General of Puerto Rico

s/Carlos Lugo-Fiol  
CARLOS LUGO-FIOL



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### CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record. Additionally, I am sending a true and exact copy of this motion by electronic mail to Mr. Obe E. Johnson, Guayama Correctional Complex, AB-033, P.O. Box 10005, Guayama, PR 00785-0000.

In San Juan, Puerto Rico this 8th day of October, 2020.

*s/ Carlos Lugo-Fiol*  
CARLOS LUGO-FIOL  
USCA No. 41677  
P.O. Box 260150  
San Juan, PR 00926  
Tel. (787) 645-4211  
E-mail: clugofiol@gmail.com

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U.S. Bankruptcy Court

District of Puerto Rico

Notice of Electronic Filing

The following transaction was received from Ramirez, Marian entered on 6/2/2020 at 9:38 AM AST and filed on 6/2/2020

Case Name: COMMONWEALTH OF PUERTO RICO and PUERTO RICO ELECTRIC POWER AUTHORITY

Case Number: 17-03283-LTS

Document Number: 13315

Debtor's Test:

MEMORANDUM ORDER GRANTING IN PART AND DENYING IN PART OBE E. JOHNSON'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY (DOCKET ENTRY NO. 12772) Related document: [12772] MOTION to be excluded from PROMESA filed by Obe E. Johnson Signed by Judge Laura Taylor Swain on 6/2/2020 (not) s/c sent to Obe E. Johnson

<https://ecf.prb.circ1.den/cgi-bin/Dispatch.pl?439870111949717>

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

-----X  
In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO  
et al.,

(Jointly Administered)

Debtors.<sup>1</sup>  
-----X

MEMORANDUM ORDER GRANTING IN PART AND DENYING IN PART OBE E.  
JOHNSON'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY (DOCKET ENTRY NO. 12772)

Before the Court is the *Motion to Be Exclude from Law PROMESA* (Docket Entry No. 12772 in Case No. 17-3283,<sup>2</sup> the "Motion"), filed by Obe E. Johnson (the "Movant"), which the Court construes as seeking relief from the automatic stay imposed by the filing of the above-captioned Title III case on (i) a case captioned Johnson v. Morel, Case No. 19-1534 (the "Appeal"), which is currently pending before the United States Court of Appeals for the First

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> All docket entry references are to entries in Case No. 17-3283, unless otherwise noted.



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Circuit, on appeal from Case No. 09-01172 (the "Habeas Corpus Action") in the United States District Court for the District of Puerto Rico, and (ii) a case captioned Johnson v. Porrata-Doria, Case No. 14-1841 (the "Damages Action"), which Movant filed in the District of Puerto Rico in November 2014.

The Court has considered carefully all of the parties' submissions.<sup>3</sup> For the following reasons, the Motion is granted in part and denied in part.

#### BACKGROUND

##### *Habeas Corpus Action and Appeal*

On February 20, 2009, Movant filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 with the District of Puerto Rico, alleging that his criminal conviction in Commonwealth court and the prison sentence that was imposed on him as a result were unlawful. (*See Response of the Commonwealth of Puerto Rico to Motion to Be Excluded from Law PROMESA Filed by Obe E. Johnson* (Docket Entry No. 12968, the "Response"), ¶ 1.) On June 24, 2009, the District Court denied Movant's petition. (*Id.*) Thereafter, the First Circuit denied both Movant's request to file a successive petition for a writ of habeas corpus with the District Court, and Movant's successive petition to the First Circuit seeking a writ of habeas corpus. (*Id.* ¶ 2.) On June 3, 2019, Movant appealed the District Court's order denying his petition for a writ of habeas corpus. (*Id.* ¶ 3.) That appeal currently remains pending before the First Circuit. (*Id.*)

<sup>3</sup> Pursuant to the Court's *Order Scheduling Briefing of Motion Filed by Obe E. Johnson* (Docket Entry No. 12824), Movant's reply papers were due on May 6, 2020. No reply papers have been filed to date.

*Damages Action*

On November 18, 2014, Movant commenced a civil action against the Commonwealth, among other defendants, seeking damages in connection with his allegedly wrongful criminal conviction in Commonwealth court.<sup>4</sup> (*Id.* ¶ 4.) On October 23, 2015, the District Court granted the Commonwealth's motion to dismiss the Damages Action for failure to state a claim, thereby dismissing all of Movant's claims, with prejudice. (*Id.* ¶¶ 5-6.) On January 11, 2016, the District Court denied Movant's motion seeking reconsideration of the order dismissing Movant's claims. (*Id.* ¶ 7.) No appeal of either decision was timely filed. (*Id.*)

*Lift Stay Motion*

Movant, who apparently remains incarcerated, filed the instant Motion on April 7, 2020. The Motion asserts that Movant "was illegally admitted into the Puerto Rico Correction Prison on February 19, 2005," and seems to contend that, because Movant's incarceration began before the Puerto Rico Oversight, Management, and Economic Stability Act ("PROMESA") was enacted, the automatic stay now in effect pursuant to PROMESA should not apply to an action seeking compensation for the time he has spent incarcerated. (Mot. at 1.) To that end, the Motion asserts that this Court should "hear this matter . . . according to the time" Movant was first incarcerated, that "PROMESA should not be referred to" Movant, and that Movant should be compensated by the Commonwealth government because he "was illegally incarcerated before . . . PROMESA come into exist[ence]." (*Id.* at 2.) Although the Motion does not explicitly seek stay relief with respect to any particular action, the Motion references a "case [that] is currently pending before the United States Court of Appeals for the First Circuit" arising

<sup>4</sup> The Damages Action was originally filed in the United States District Court for the Eastern District of Pennsylvania, and was transferred to the District of Puerto Rico on November 21, 2014. (*See Resp.* ¶ 4 n.4.)

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from “an original proceeding successive habeas corpus,” and attaches as exhibits a letter from the Clerk of Court for the First Circuit concerning Case No. 19-1534 as well as the District Court’s *Memorandum and Order* dismissing Movant’s claims in the Damages Action. (See id. at 1; Docket Entry No. 12772-1.)

In its Response, the Commonwealth indicates that, with respect to the Appeal and the Habeas Corpus Action, it agrees to a limited modification of the automatic stay solely to allow the case to proceed to final judgment, and to permit the execution and enforcement of any judgment solely with respect to Movant’s request for equitable relief. (Resp. ¶ 11.) The Commonwealth contends that the automatic stay should otherwise continue to apply to the Appeal and the Habeas Corpus Action. (Id.) As to the Damages Action, the Commonwealth argues that relief from the automatic stay is unwarranted because that action was dismissed years ago and no timely appeal was filed, and because Movant has failed to demonstrate cause to lift or modify the stay under section 362(d) of the United States Bankruptcy Code, 11 U.S.C. § 362(d). (See Resp. ¶¶ 13-19.)

As noted above, the Court construes the Motion as a request for relief from the automatic stay as it applies to the Appeal, the Habeas Corpus Action, and the Damages Action.

#### DISCUSSION

Section 362(d)(1) of the Bankruptcy Code, made applicable in these proceedings by Section 301 of PROMESA, 48 U.S.C. § 2161, permits a court to grant relief from the automatic stay “for cause.” To determine whether cause exists to lift the automatic stay, courts in this district examine the factors first enumerated by the United States Court of Appeals for the Second Circuit in *In re Sonnax Indus., Inc.*, 907 F.2d 1280, 1286 (2d Cir. 1990) (“*Sonnax*”).



See, e.g., Brigade Leveraged Capital Structures Fund Ltd. v. Garcia-Padilla, 217 F. Supp. 3d 508, 518 (D.P.R. 2016) (citing Sonnax). Of particular relevance to the instant case are the following factors identified in the Sonnax decision: “whether relief would result in a partial or complete resolution of the issues,” “the interests of judicial economy and the expeditious and economical resolution of litigation,” and the “impact of the stay on the parties and the balance of harms.” Sonnax, 907 F.2d at 1286.

In light of the Commonwealth’s consent to a limited modification of the automatic stay in connection with the Appeal and the Habeas Corpus Action, the Court finds cause to modify the automatic stay solely to the extent necessary to allow (i) the Appeal and the Habeas Corpus Action to proceed to final judgment, and (ii) for the execution and enforcement of any judgment solely with respect to Movant’s request for equitable relief. It appears that the interests of judicial economy and expeditious resolution of the Appeal and the Habeas Corpus Action are best served by permitting the litigation to proceed in this fashion. Nevertheless, Movant has identified no basis, and thus has failed to demonstrate cause, to further modify the automatic stay as it applies to the Appeal and the Habeas Corpus Action. Therefore, the automatic stay shall continue to apply in all other respects to the Appeal and the Habeas Corpus Action, including to the pursuit, execution, and enforcement of any judgment for any claims for money damages and provisional remedies against the Commonwealth or any other Title III debtor.

Further, Movant has failed to demonstrate cause to lift or modify the automatic stay as it applies to the Damages Action. As indicated above, the Damages Action was dismissed, with prejudice, in 2015, and Movant failed to timely file an appeal of the District Court’s decision. Movant also failed to appeal the 2016 denial of his motion for reconsideration

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of the dismissal decision. Because the dismissal of his Damages Action was final and with prejudice, Movant could receive no benefit from an order lifting the stay of that action. Accordingly, the hardship to the Commonwealth of devoting its legal resources to litigation relating to the Damages Action significantly outweighs any possible burden on Movant caused by the automatic stay, and Movant's request for an order lifting or otherwise modifying the automatic stay with respect to the Damages Action is denied.

CONCLUSION

For the foregoing reasons, the Motion is granted in part and denied in part, and the automatic stay is modified only to the extent expressly set forth herein. This Memorandum Order resolves Docket Entry No. 12772.

SO ORDERED.

Dated: June 2, 2020

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO  
et al.,

(Jointly Administered)

Debtors.<sup>1</sup>

ORDER DENYING OBE E. JOHNSON'S MOTION FOR  
RELIEF FROM THE AUTOMATIC STAY (DOCKET ENTRY NO. 13510)

Before the Court is the *Motion for Relief from Stay Under 362(e)* (Docket Entry No. 13510 in Case No. 17-3283,<sup>2</sup> the "Motion"), filed by Obe E. Johnson (the "Movant"). The Motion, which was originally filed in the case captioned *Johnson v. Muñiz*, Case No. 14-1867 (D.P.R.) (the "Second Damages Action") and subsequently referred to this Court (see Docket Entry No. 60 in Case No. 14-1867), seeks relief from the automatic stay imposed by the filing of the above-captioned Title III case on (i) a case captioned *Johnson v. Morel*, Case No. 19-1534 (the "Appeal"), which is currently pending before the United States Court of Appeals for the First Circuit, on appeal from Case No. 09-1172 (D.P.R.) (the "Habeas Corpus Action"), (ii) a case captioned *Johnson v. Porrata-Doria*, Case No. 14-1841 (D.P.R.) (the "First Damages Action"), and (iii) the Second Damages Action.

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> All docket entry references are to entries in Case No. 17-3283, unless otherwise noted.



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On April 7, 2020, Movant filed the *Motion to Be Exclude from Law PROMESA* (Docket Entry No. 12772, "Initial Motion"), which the Court construed as a motion seeking relief from the automatic stay with respect to the Habeas Corpus Action, the Appeal, and the First Damages Action. (See *Memorandum Order Granting in Part and Denying in Part Obe E. Johnson's Motion for Relief from the Automatic Stay* (Docket Entry No. 12772). Docket Entry No. 13316, the "Memorandum Order," at 1-2.) In the Memorandum Order, this Court granted in part and denied in part the Initial Motion, concluding that Movant had established cause to modify the automatic stay to a limited extent with respect the Appeal and the Habeas Corpus Action only.<sup>3</sup> The Court otherwise denied the Initial Motion. Less than a month later, Movant filed the instant Motion.

Movant fails to establish cause to further modify the automatic stay with respect to the Appeal and the Habeas Corpus Action, or for the Court to alter its ruling in the Memorandum Order with respect the First Damages Action. Nor has Movant demonstrated cause to lift or modify the automatic stay as it applies to the Second Damages Action. That action was dismissed with prejudice by Judge Francisco A. Besosa on September 25, 2015 (see Docket Entry No. 48 in Case No. 14-1867), and Judge Besosa's ruling was affirmed by the United States Court of Appeals for the First Circuit on July 1, 2016 (see Docket Entry No. 58 in Case No. 14-1867). Because the dismissal of the Second Damages Action was, like the dismissal of the First Damages Action, final and with prejudice, Movant could receive no benefit from an order lifting the stay of the Second Damages Action. (See Mem. Ord. at 5-6.) Therefore, the hardship to the Commonwealth of devoting its legal resources to litigation relating to the Second Damages Action significantly outweighs any possible burden on Movant caused by the automatic stay, and Movant's request for an order lifting or otherwise modifying the automatic stay with respect to the Second Damages Action is denied. (See *id.*)

Accordingly, the Motion is denied in its entirety. This Order resolves Docket Entry No. 13510.

SO ORDERED.

Dated: July 9, 2020

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge

<sup>3</sup> On the same day that this Court entered the Memorandum Order, the United States Court of Appeals for the First Circuit denied Movant's application for leave to file a second or successive habeas petition pursuant to 28 U.S.C. § 2244(b) as well as Movant's subsequent motions and requests for relief, which it construed as supplements to Movant's original application. (See Docket Entry No. 16 in Case No. 09-1172.)

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District of Puerto Rico

Notice of Electronic Filing

The following transaction was received from Ramirez, Marian entered on 6/29/2021 at 12:29 PM AST and filed on 6/29/2021

Case Name: COMMONWEALTH OF PUERTO RICO and Puerto Rico Public Buildings Authority (PBA)  
Case Number: 17-03283-LTS9  
Document Number: 17184

Docket Text:

ORDER GRANTING IN PART AND DENYING IN PART OBE E. JOHNSON'S [16942] MOTION FOR RELIEF FROM THE AUTOMATIC STAY. Related document: [13316], [13599]. Signed by Judge Laura Taylor Swain on 6/29/2021. (mr) s/c sent by mail to Obe E. Johnson.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

-----X  
In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO  
et al.,

(Jointly Administered)

Debtors.<sup>1</sup>  
-----X

ORDER GRANTING IN PART AND DENYING IN PART OBE E. JOHNSON'S  
MOTION FOR RELIEF FROM THE AUTOMATIC STAY (DOCKET ENTRY NO. 16942)

The Court has received and reviewed the motion (Docket Entry No. 16942 in Case No. 17-3283,<sup>2</sup> the "Motion"), filed by Obe E. Johnson (the "Movant"). The Court has also reviewed the *Response of the Commonwealth of Puerto Rico to Motion for Relief from Stay Under 362(e) Filed by Obe E. Johnson* (Docket Entry No. 17163, the "Response"), filed by the Commonwealth of Puerto Rico (the "Commonwealth"). The Motion appears to request two forms of relief. First, the Motion reiterates Movant's request for relief from the automatic stay (or recognition of the inapplicability of the automatic stay), imposed by the filing of the above-captioned Title III case, with respect to certain civil cases commenced by the Movant. That request was the subject of two previous motions filed by Movant. (See Docket Entry No. 12772 and 13510.) Second, the Motion requests that the Court order that Movant be released from prison so that he may attend or listen to the hearing scheduled for July 13, 2021.

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> All docket entry references are to entries in Case No. 17-3283, unless otherwise noted.



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The Court has issued two prior orders addressing Movant's requests for relief from the automatic stay (*See Memorandum Order Granting in Part and Denying in Part Obe E. Johnson's Motion for Relief from the Automatic Stay*, Docket Entry No. 13316, the "First Lift Stay Order"; *Order Denying Obe E. Johnson's Motion for Relief from the Automatic Stay*, Docket Entry No. 13599, the "Second Lift Stay Order"). In the First Lift Stay Order, the Court granted in part and denied in part Movant's request for relief from the automatic stay, providing partial relief from the automatic stay with respect to the case captioned *Johnson v. Rivera-Mayor*, Case No. 09-cv-01172-CCC (D.P.R.), including Movant's appeal therefrom. The Court otherwise denied Movant's request for relief because Movant failed to demonstrate cause to lift or modify the stay. In the Second Lift Stay Order, the Court denied Movant's request to further modify the automatic stay, or to otherwise alter its prior ruling, on the basis that Movant had failed to demonstrate cause for such relief. Here, Movant has failed to proffer facts or legal argument that would provide the Court with a basis to reconsider or modify its prior rulings with respect to the litigations that were the subject of the First Lift Stay Order and the Second Lift Stay Order.

However, to the extent that the Motion seeks relief from the automatic stay with respect to the case captioned *Johnson v. Ocasio-Montañez*, Case No. 20-cv-01222-JAG (D.P.R.) (the "Second Habeas Corpus Action"), the Commonwealth has consented to modification of the automatic stay

to allow (i) the Second Habeas Corpus Action to proceed to final judgment, and (ii) for the execution and enforcement of any judgment solely with respect to Movant's request for equitable relief; provided, however, that the Title III Stay shall continue to apply in all other respects to the Second Habeas Corpus Action, as well as the Appeal and the First Habeas Corpus Action, including without limitation, the execution and enforcement of any judgment for any claims for money damages and provisional remedies against the Commonwealth or any other Title III debtor.

(Response ¶ 21.) In light of the Commonwealth's consent to a limited modification of the automatic stay in connection with the Second Habeas Corpus Action, the Court determines that cause exists to modify the automatic stay on the terms proposed by the Commonwealth. Movant's request for relief from the automatic stay is otherwise denied.

Movant's request to be released from prison is denied. The hearing scheduled for 9:30 a.m. (Atlantic Standard Time) on July 13, 2021 (the "Hearing"), concerns the Financial Oversight and Management Board for Puerto Rico's request for approval of the *Disclosure Statement for the Third Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.* as well as various related procedures and deadlines (*See* Docket Entry No. 16756, the "Disclosure Statement Motion"). Movant has not filed a timely objection to the Disclosure Statement Motion, and he therefore would not have leave to present arguments at the Hearing even if he were not confined. Additionally, the Hearing will be held telephonically, and there is therefore no need for Movant to be physically present in a courtroom to follow the

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proceedings. Members of the public and press may listen to the Hearing<sup>3</sup> by dialing (888) 363-4749, and entering the access code (7214978) and security code (6937) when prompted.

Accordingly, the Motion is granted in part and denied in part as set forth herein.  
This Order resolves Docket Entry No. 16942.

SO ORDERED.

Dated: June 29, 2021

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge

<sup>3</sup> Recording and further broadcasting of the Hearing by any means are prohibited.

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## United States Court of Appeals For the First Circuit

No. 20-1698

OBE E. JOHNSON,

Plaintiff - Appellant,

v.

LCDA. FABIOLA ACARON PORRATA-DORIA; ESTADO LIBRE ASOCIADO DE  
PUERTO RICO; ADMINISTRACION DE CORRECCION DE PUERTO RICO,

Defendants - Appellees.

### ORDER OF COURT

Entered: September 24, 2020  
Pursuant to 1st Cir. R. 27.0(d)

Plaintiff has filed what appears to be an untimely appeal from a judgment entered by the district court on October 23, 2015. On May 3, 2017, the Commonwealth of Puerto Rico filed a petition under Title III of PROMESA, 48 U.S.C. § 2161, et seq., for adjustment of its debts. Under section 2161(a), the bankruptcy stay provisions of 11 U.S.C. §§ 362 and 922 are incorporated into PROMESA. In light of the Commonwealth's PROMESA filing, we direct the parties to show cause within fourteen days of the date of this order whether the automatic stay applies to all or any part of this appeal. The parties are directed to state with specificity the reasoning behind their conclusion one way or the other.

By the Court:

Maria R. Hamilton, Clerk

cc:

Obe E. Johnson

Frances Y. Rivera-Aviles



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## United States Court of Appeals For the First Circuit

No. 21-1189

OBE E. JOHNSON,

Plaintiff - Appellant,

v.

LCDA. FABIOLA ACARON PORRATA-DORIA; ESTADO LIBRE ASOCIADO DE  
PUERTO RICO; ADMINISTRACION DE CORRECCION DE PUERTO RICO,

Defendants - Appellees.

### ORDER OF COURT

Entered: June 4, 2021

We have received the parties' responses to this court's order to show cause entered in No. 20-1698. We have considered their responses, and in view of the petition to restructure its debts filed by the Commonwealth of Puerto Rico, appeal Nos. 20-1698 and 21-1189 are stayed. The parties shall file status reports every ninety days. As to plaintiff's request to lift the stay, plaintiff is directed to the Title III court to seek stay relief if such relief is desired.

By the Court:

Maria R. Hamilton, Clerk

cc:

Obe E. Johnson

Carlos Lugo-Fiol

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City of Philadelphia  
Department of  
Licenses & Inspections  
P.O. Box 53310  
Philadelphia, Pa. 19105

OCCUPATIONAL  
LICENSEE ONLY

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If required by law

OBE'S PROFESSIONAL CARPET SVC  
JOHNSON OBE  
1019 BULLOCK AVE  
YEADON PA 19050-

3702 COMMERCIAL ACTIVITY LICENSE  
JOHNSON OBE

THIS LICENSE IS GRANTED TO THE PERSON AND LOCATION FOR THE PURPOSE STATED  
ABOVE.  
IT IS SUBJECT TO IMMEDIATE CANCELLATION BY THIS DEPARTMENT FOR VIOLATIONS OF

LICENSE CODE	LICENSE NO.	BUSINESS TAX NO.	DOES NOT EXPIRE	PAID THIS AMOUNT	ISSUE DATE
3702	186863	8283210		250.00	11/03/04

LICENSE

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COMMONWEALTH OF PUERTO RICO  
DEPARTMENT OF JUSTICE  
**OFFICE OF CRIMINAL INVESTIGATIONS AND PROSECUTION**

THE PEOPLE OF PUERTO RICO  
VS.

FOR: ART. 173 C.P. (THEFT AT HOME) AND ARTS. 5.04 AND 5.15 L.A.  
(Crime)

OBE E. JOHNSON

AFFIDAVIT

EDUVIGES DEL ROSARIO (SINGLE) (D.O.B. OCT/17/66)

(Name)

In San Juan, Puerto Rico on February, 18, 2005  
(Town) (Date)

I, Eduviges del Rosario, resident of Santurce, P.R.  
(Name) (Town)

Residing at Calle 11 #2063, Esq. Avenida B, Bo. Obrero, telephone no. 473-6894  
(Exact Address) (Landline)

That I work for Trader – Family Business with address at Eduardo Conde 2112, Esq. Los Santos,  
(Employer's Name) (Employer's Address)

Villa Palmeras, Santurce, P.R., with telephone no. \_\_\_\_\_ Social Security no. \_\_\_\_\_  
(Work Telephone)

4262 driver license number \_\_\_\_\_ and 38 years of age, appear before the Prosecutor and,  
having received the legal disclaimers given to me, on my own declare under oath:

"On Saturday, February 05, 2005, at around 6:00 in the evening I was parking my car in front of my house, when a black male, of small stature, slim build, with a light shirt, almost white, and blue jeans approached me. He had a dark bag in one hand and a book in the other. As I was parking my car he was on the sidewalk. I got out to go to my home which was in front, and then he approached me and spoke to me in English. In English he asked me if I spoke English, I told him that I didn't, only Spanish. In English he told me that it was important to speak English. He asked me if I was married. I told him that I was. He asked whether I was interested in books. I told him that I wasn't, that I was tired, but maybe another day. I asked him what his name was and he told me his name was Thomas. He asked me my name and I told him Peniel. I told him that I lived there, pointing towards my house which was in front of where we were speaking. He even saw me when I went in. He asked me where I was from, and I told him the Dominican Republic, so I then asked him where he was from, and he told me Africa. The man went and then the next day on February 06 I was driving my car along Avenida A and I saw the black male walking with a yellow envelope in one of his hands. I blew my horn, but he didn't see me. On Monday, February 07, at around 4:00 in the afternoon I was driving my car along Avenida Ponce de León on the corner of Sagrado Corazón, Stop 26 and I saw the black male at the stop. I blew my horn, and I called his name and I asked him how he was. He came toward me and we greeted each other by shaking hands. I asked him if I could take him somewhere and he said no. Then he asked me again whether I was interested in books. I told him I wasn't, but maybe another day. Then he told me: "Ok, tomorrow," but he didn't appear the next day. On Wednesday, February 09, at 08:30 in the evening I was in my house when I heard someone shouting to me "hey, mister, mister." I went out to my balcony, and it was Mr. Thomas. I greeted him, I invited him into my home, and he came in. That day he was dressed in large blue jeans, dark sneakers with white and blue seams, a sleeved blue shirt and he had a dark bag in his hand. I told him to sit in the dining room, and he sat on the sofa. I offered him coffee and he told me he didn't like it. I offered him a rum drink and he told me he didn't want it. I asked him if he wanted water, he told me just a little. I went to the kitchen, I served him water and I put it on the table. I sat on one of the chairs in the dining room and close to him. Then he told me: "check a book" and when he opened the zipper of the bag that he had put on the floor, he put his hand into the bag and got out a black pistol. I knew it was a pistol because of how he loaded it. He immediately paused and put the pistol behind my right ear, he grabbed the bag and started to push me with the pistol while he told me to walk and give him money. He told me this in English, he said: "give me the money now," and he repeated it several times. He pushed me toward the bedroom with the handgun pointed at my ear.

**CONTINUES ON THE REVERSE.....**



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CONTINUATION OF THE AFFIDAVIT OF: \_\_\_\_\_

(Name)

Then I understood that in English he told me to get on the floor, I got on the floor face down and he threw me a yellow towel and said to me in English: "give the money now." As he was asking me for money, I put my hand in my back pocket and then my feet were shaking while he was asking me to give him the money. As I was scared he was going to kill me I told him in English to open the closet door. He opened the closet, he looked around and he suddenly shouted in English: "beautiful," "wonderful," something like that. Five to ten minutes went by, and I had a feeling that he was no longer there. I got up and checked the closet and saw that my bag wasn't there where I had \$25,000.00 in cash, in hundred-dollar notes. This bag was plastic and black and I had it in my bedroom closet, above my shoes. This money was to buy the business that I manage and leave because I have been subject to assault and kidnapping on two occasions. I went to look for the individual throughout the whole house, I didn't see him, I looked for him throughout the block and I also didn't see him. I went back into the house to look for him and he wasn't there. I was in the room where he left his dark bag. I checked the bag, it had a box, I opened it and it had a little package which seemed to be drugs. It was a package with white tape. I left the package and bag at home and I left to see if I could find him. I went to Avenida A in the Obrero Neighborhood, to Avenida Ponce de León and Old San Juan, and then I went to the Police Station at Stop 15, but they told me that I had to go to the Obrero Neighborhood Police Station. I went to check Isla Verde Airport, I gave Thomas' description to several people and officials and they told me that without the full name they couldn't do anything. An official even took me to an airline that was going to leave at that moment but they didn't let me check because they were about to depart. The official told me to go to the C.I.C. (Criminal Investigations Body) at the Police Headquarters. I called them and they told me to go to the Obrero Neighborhood Police Station. Then I went to Avenida Borinquen in Ponce de León where I saw two police patrol cars. I signaled out to them, but they didn't stop. Then I returned to Old San Juan, I looked around the docks, and I returned to Stop 26. I then went to the Airport where I slept until 7:00 on February 10, but I never saw Thomas. I then went back to Avenida Borinquen, and I gave Thomas' description to the people there but nobody knew him. I also asked taxi drivers, and in the end, I went to Stop 26 to have breakfast and there I asked around for the individual. One person told me that there was someone that played card tricks and practiced karate, that spoke English and told me that said person lived in the building beside the cafeteria and hadn't seen him for five days. I went to the building; I spoke with the administrator, and he told me that the individual hadn't moved out, but he hadn't seen him for five days. So then I told him that I wanted to speak with Thomas to start up a Karate school. I left and returned when there was an administrator called Tony and I told him the truth about what had happened to me. The administrator went up to the room and told me that he wasn't there. Then he took me up to the room and the individual wasn't there. Then the administrator showed me the room contract and told me that he wasn't called Thomas but Obe E. Johnson. Afterwards I went to the Neighborhood Police Station, and I filed the complaint, they called the CIC and then Agent Muñiz came, he interviewed me, and I explained everything to him, I gave him Obe's name. When I was going home to take Agent Muñiz I received a call from the Administrator saying that the individual had returned to the apartment. I went with Agent Muñiz to Obe's apartment, and the administrator told me that Obe had handed him the key and asked him for the \$75.00 that he had put down for the deposit. I immediately went with Agent Muñiz to the airport to check, but we didn't see him anywhere there. On Tuesday, February 15, I left for the Dominican Republic to move my money around and on the evening of Thursday, February 17, at around 11:30 in the evening I received a call from the official Luiz Muñiz informing me that they had detained a person with Obe's description, and that I had to go to Puerto Rico. Then on February 18, I arrived in Puerto Rico at 12:45 in the afternoon and I immediately went to a line-up, he took me to a room where through a glass there were five black men with yellow gowns and a number on the chest area and from them, I identified, without any doubt, number two (2) as Obe E. Johnson. To this date, the money has not been recovered. For all this money I have the serial numbers. I delivered the package with white tape and the dark bag to Agent Muñiz.

Affidavit No. 126

[Stamp: DEPARTMENT OF  
JUSTICE – COMMONWEALTH  
OF PUERTO RICO –  
PROSECUTION]

[Signature]  
EDUVIGES DEL ROSARIO  
(Declarant's Signature)

Time: 08:35 P.M.

Sworn and signed before me, today February 18, 2005

Ms. Carmen González  
(Name of investigating stenographer)

[Signature]  
ANA MARÍA MARTÍNEZ ORAMA  
(Signature and Stamp of the Prosecutor receiving the affidavit)

SAN JUAN INVESTIGATIVE UNIT  
Prosecutor's Office or associated Division

Case:17-03283-LTS Doc#:18197-2 Filed:09/21/21 Entered:09/22/21 10:21:54 Desc: Exhibits in  
the Spanish language Page 3 of 6

COMMONWEALTH OF PUERTO RICO  
TRIAL COURT  
SAN JUAN SUPREME COURT

THE PEOPLE OF PUERTO RICO VS. <b>OBE E. JOHNSON</b> Complaint No.: 05146601179 Date of Birth: [REDACTED] 1972 Place of Birth: LIBERIA Sex: MALE Social security No.: [REDACTED]-7063 Address: 2624 S BERBRO ST. PHILADELPHIA, PA 19153 Driving License No.: NONE Distinctive Features: NONE	CASE NO. <b>KPD2005G0656</b>  FOR: <b>ART. 173 PENAL CODE</b> <b>(USE OF WEAPON IN COMMITTING A CRIME)</b>
--	--

**SENTENCE**  
**NUNC PRO TUNC**

Today, **September 15, 2005**, with this case scheduled for sentencing, THE PEOPLE OF PUERTO RICO appeared represented by **Prosecutor Maricarmen Rodríguez Barea** and the aforementioned defendant appeared in person assisted by his **Attorney, Fabiola Acarón Porrata-Doria, Esq. of the Sociedad para Asistencia Legal (Legal Aid Society)**. The Court informed him of the nature of the charge, the allegations of his defense, and the ruling, and asked whether he had any legal ground to assert in order to demonstrate that said sentence should not be issued.

In the absence of such legal grounds, the Court imposes sentence as follows: Having been duly judged by the Court of Law and declared convicted of a crime under **Art. 173 of the Penal Code (use of weapon in committing a crime)**, the Court, in fulfillment of its ruling of **June 13, 2005**, sentences the defendant to **twenty (20) years of imprisonment, without costs, following cases KLA2005G0212, KLA2005G0213 and following any other sentence being fulfilled. Sentenced under the Penal Code of 1974.** Article 67 of the Penal Code (Special Sentence) is not imposed due to the accused being destitute. Preventive custody is to be paid for.

TO BE SERVED.

Entered in San Juan, Puerto Rico, on September 15, 2005, and amended on this date, March 09, 2017, for the purposes of correcting the fact that he was sentenced under the Penal Code of 1974.

KALIL BACO VIERA  
JUDGE OF THE SUPERIOR COURT  
[Signature]  
**BY: ELOÍNA TORRES CANCEL**  
**JUDGE OF THE SUPERIOR COURT**

I CERTIFY: that the foregoing text constitutes the sentence issued in the above case, with the original filed in its case records.

In San Juan, Puerto Rico, on March 14, 2017.

[Stamp: **Nora Torres Quiles** –  
Assistant Court Clerk I]

I RECEIVED the above order with the sentenced \_\_\_\_\_ on \_\_\_\_\_ of \_\_\_\_\_  
and \_\_\_\_\_ of \_\_\_\_\_,  
I put said sentenced under the custody of the undersigned warden of the Prison of \_\_\_\_\_.

\_\_\_\_\_  
Warden

\_\_\_\_\_  
Bailliff

SEN2017 Identifier No. 15116

Case:17-03283-LTS Doc#:18197-2 Filed:09/21/21 Entered:09/22/21 10:21:54 Desc: Exhibits in  
the Spanish language Page 4 of 6

COMMONWEALTH OF PUERTO RICO  
TRIAL COURT  
SAN JUAN SUPREME COURT

THE PEOPLE OF PUERTO RICO VS. <b>OBE E. JOHNSON</b> Complaint No.: 05146601179 Date of Birth: [REDACTED] 1972 Place of Birth: LIBERIA Sex: MALE Social security No.: [REDACTED] 7063 Address: 2624 S BERBRO ST. PHILADELPHIA, PA 19153 Driving License No.: NONE Distinctive Features: NONE	CASE NO. <b>KPD2005G0656</b>  FOR: <b>ART. 173 PENAL CODE</b> <b>(USE OF WEAPON IN COMMITTING A CRIME)</b>
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TO BE SERVED.

Entered in San Juan, Puerto Rico, on September 15, 2005.

KALIL BACO VIERA  
JUDGE OF THE SUPERIOR COURT  
[Signature]  
**BY: ELOÍNA TORRES CANCEL**  
**JUDGE OF THE SUPERIOR COURT**

I CERTIFY: that the foregoing text constitutes the sentence issued in the above case, with the original filed in its case records.

Rebecca Rivera Torres – Regional Clerk

In San Juan, Puerto Rico, on March 14, 2017.

I RECEIVED the above order with the sentenced \_\_\_\_\_ on \_\_\_\_\_ of \_\_\_\_\_  
and \_\_\_\_\_ of \_\_\_\_\_,  
I put said sentenced under the custody of the undersigned warden of the Prison of \_\_\_\_\_.

\_\_\_\_\_  
Warden

\_\_\_\_\_  
Bailiff

SEN2017 Identifier No. 15116



Case:17-03283-LTS Doc#:18197-2 Filed:09/21/21 Entered:09/22/21 10:21:54 Desc: Exhibits in  
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TRIAL COURT  
SAN JUAN SUPREME COURT

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TO BE SERVED.

Entered in San Juan, Puerto Rico, on September 15, 2005.

KALIL BACO VIERA  
JUDGE OF THE SUPERIOR COURT  
[Signature]  
**BY: ELOÍNA TORRES CANCEL**  
**JUDGE OF THE SUPERIOR COURT**

I CERTIFY: that the foregoing text constitutes the sentence issued in the above case, with the original filed in its case records.

Rebecca Rivera Torres – Regional Clerk

In San Juan, Puerto Rico, on March 14, 2017.

I RECEIVED the above order with the sentenced \_\_\_\_\_ on \_\_\_\_\_ of \_\_\_\_\_  
and \_\_\_\_\_ of \_\_\_\_\_,  
I put said sentenced under the custody of the undersigned warden of the Prison of \_\_\_\_\_.

\_\_\_\_\_  
Warden

\_\_\_\_\_  
Bailliff

Case:17-03283-LTS Doc#:18197-2 Filed:09/21/21 Entered:09/22/21 10:21:54 Desc: Exhibits in  
the Spanish language Page 6 of 6

[Coat of Arms]  
Commonwealth of Puerto Rico  
DEPARTMENT OF JUSTICE  
Apartado 9020192, San Juan, PR, 00902-0172

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CITIZENS' AID OFFICE

TEL (787) 729-7002

October 28, 2015

Obe E. Johnson  
Ponce Adultos 1000  
Módulo 4-6  
PO Box 10786  
Ponce, PR 00732

Dear Mr. Johnson:

Warm greetings from Hon. César R. Miranda, Secretary of Justice and from all those working at the Citizens' Aid Office.

I acknowledge receipt of your letter claiming the loss of your company or property and incarceration due to the poor representation by Fabiola Acuron Porrata-Doria, Esq.

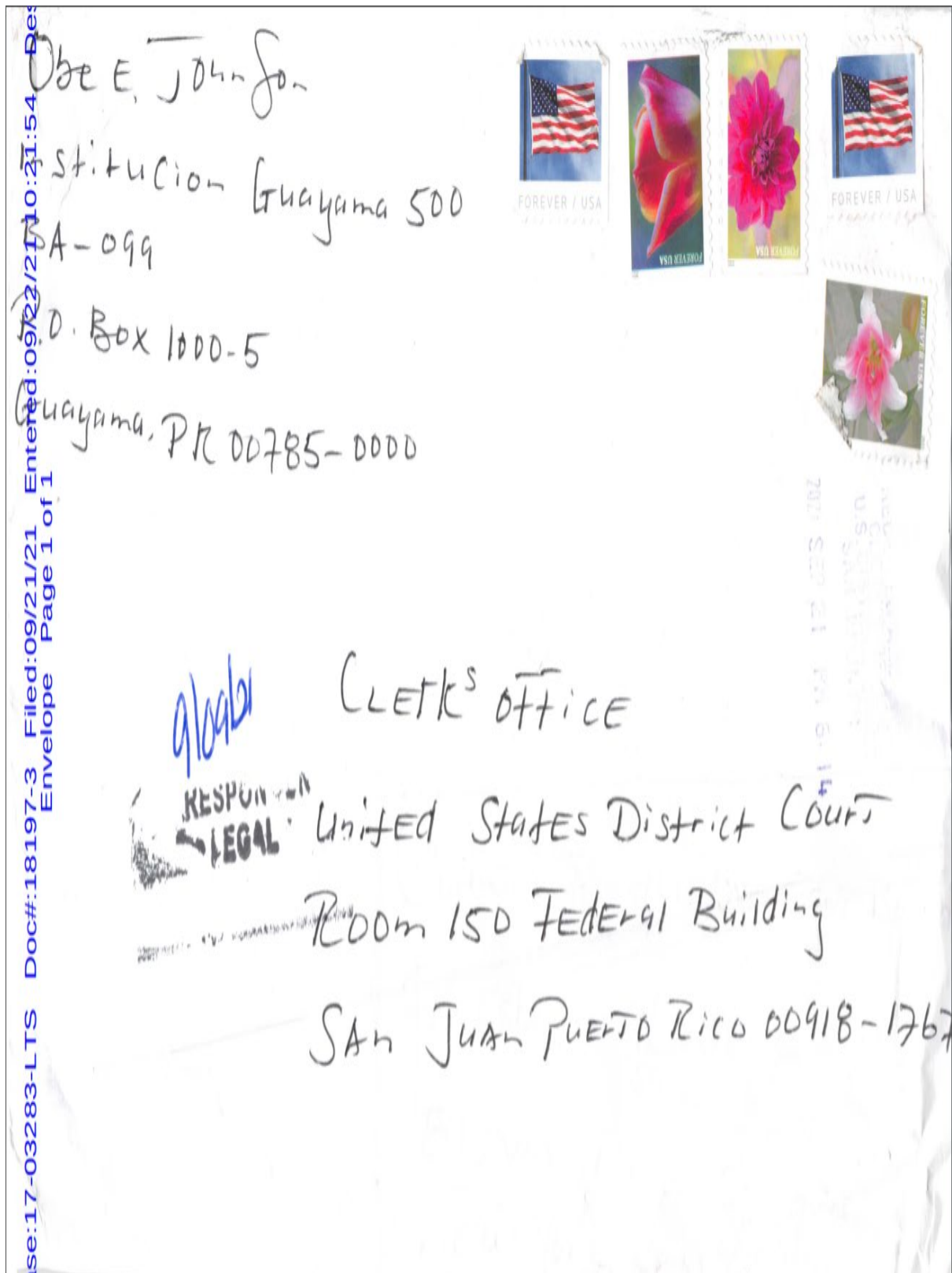
The Department of Justice abstains from analyzing the merits of this case since we are representing the Commonwealth in the lawsuit that is currently taking place before the Courts. This matter must be channeled through your attorney in the Courts.

In light of the foregoing, we have proceeded to file your petition, but we also inform you that in our Department of Justice the doors are open for any other request with which we can assist you.

Cordially,

[Signature]  
Pamela C. González Díaz, M.A.P.  
Administrative Assistant I

SAC0005252







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E projects@targemtranslations.com  
A 185 Clymer St. Brooklyn, NY 11211

### TRANSLATOR'S CERTIFICATE OF TRANSLATION

Translation from: Spanish (Puerto Rico) into English (US)

TARGEM Translations Inc.

I, Andreea I. Boscor, ATA-certified Spanish-English #525556, acting as translator at TARGEM Translations Inc., a NEW YORK City corporation, with its principal office at 185 Clymer Street, Brooklyn, NY, 11211, USA, certify that:

the English translated document is a true and accurate translation of the original Spanish and has been translated to the best of my knowledge.

Original Document Name: **Claim No. 177676 DN 18197**

Signed this 23<sup>rd</sup> day of December 2021



Verify at [www.atanet.org/verify](http://www.atanet.org/verify)

A handwritten signature in blue ink, appearing to read 'Andreea I. Boscor'.

Andreea I. Boscor

